

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE JUNE 9, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 753

Introduced by Assembly Member Adams

February 26, 2009

An act to amend Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, 9034, 9035, 9050, 9053, 9054, 9063, 13247, and 13282 of, to add Sections 303.5, 9016, 9017, and 9018 to, to repeal Sections 9052, 13280, and 13281 of, and to repeal and add Sections 9001, 9002, 9006, 9009, 9012, 9013, 9014, 9015, and 9051 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 753, as amended, Adams. Ballot titles and labels.

Existing law *generally* requires the Attorney General to provide a ballot title for each measure to be submitted to the voters at a statewide election. The Attorney General is ~~also~~ required to prepare a summary of the chief purposes and points of ~~each~~ *a* statewide ballot measure as part of the ballot title and return the measure with the ballot title and summary to the Secretary of State. Upon receipt of the ballot title and summary, the Secretary of State is required to send notification of the filing deadline and the certification deadline to the proponents of the measure and to the county elections official.

This bill would revise the provisions relating to the duties of the Attorney General and Secretary of State regarding *state* ballot measures and the ~~regulations and time requirements for~~ *provisions relating to*

proponents of a ballot measure. The bill would add *and revise related definitions* ~~and would require the Attorney General to provide a circulating title and summary, as defined, for each proposed ballot measure that is submitted by proponents of the measure.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 303 of the Elections Code is amended to
2 read:
3 303. “Ballot label” means that portion of the ballot containing
4 the names of the candidates or a statement of a measure. For
5 statewide measures, the ballot label shall contain no more than 75
6 words and shall be a condensed version of the ballot title and
7 summary including the fiscal impact summary prepared pursuant
8 to Section 9087 of this code and Section 88003 of the Government
9 Code.
10 SEC. 2. Section 303.5 is added to the Elections Code, to read:
11 303.5. (a) “Ballot title” is the name of a statewide measure
12 included in the ballot label and the ballot title and summary.
13 (b) “Ballot title and summary” means the summary of the chief
14 purpose and points including the fiscal impact summary of any
15 measure that appears in the state ballot pamphlet. The ballot title
16 and summary shall include a statement of the measure’s fiscal
17 impact. This summary shall not exceed 100 words, not including
18 the fiscal impact statement.
19 (c) (1) “Circulating title and summary” means the text that is
20 required to be placed on a petition for signatures that is either one
21 of the following:
22 (A) The summary of the chief purpose and points of a proposed
23 initiative measure that affects the Constitution or laws of the state,
24 and the fiscal impact of the proposed initiative measure.
25 (B) The summary of the chief purpose and points of a
26 referendum measure that affects a law or laws of the state.
27 (2) The circulating title and summary shall not exceed 100
28 words, not including the fiscal impact summary.
29 SEC. 3. Section 336 of the Elections Code is amended to read:
30 336. The “official summary date” is the date a circulating title
31 and summary of a proposed initiative measure is delivered or

1 mailed by the Attorney General to the proponents of the proposed
2 measure.

3 SEC. 4. Section 342 of the Elections Code is amended to read:

4 342. "Proponent or proponents of an initiative or referendum
5 measure" means, for statewide initiative and referendum measures,
6 the elector or electors who submit ~~a draft of a petition proposing~~
7 ~~the measure~~ *the text of a proposed initiative or referendum* to the
8 Attorney General with a request that he or she prepare a circulating
9 title and summary of the chief purpose and points of the proposed
10 measure; or for other initiative and referendum measures, the
11 person or persons who publish a notice or intention to circulate
12 petitions, or, where publication is not required, who file petitions
13 with the elections official or legislative body.

14 SEC. 5. Section 9001 of the Elections Code is repealed.

15 SEC. 6. Section 9001 is added to the Elections Code, to read:

16 9001. (a) Prior to the circulation of any initiative or referendum
17 petition for signatures, ~~a draft~~ *the text* of the proposed measure
18 shall be submitted to the Attorney General with a written request
19 that a circulating title and summary of the chief purpose and points
20 of the proposed measure be prepared. The electors presenting the
21 request shall be known as the "proponents." The Attorney General
22 shall preserve the written request until after the next general
23 election.

24 (b) Each and every proponent of any proposed initiative measure
25 shall, at the time of submitting ~~the draft of the~~ *the text of the proposed*
26 measure, provide both of the following:

27 (1) An original signed certification stating that "I, (insert name),
28 declare under penalty of perjury that I am a citizen of the United
29 States, 18 years of age or older, and a resident of (insert county),
30 California."

31 (2) Public contact information.

32 (c) The proponents of any initiative measure, at the time of
33 submitting ~~the draft of the~~ *the text of the proposed* measure to the
34 Attorney General, shall pay a fee of two hundred dollars (\$200),
35 which shall be placed in a trust fund in the office of the Treasurer
36 and refunded to the proponents if the measure qualifies for the
37 ballot within two years from the date the summary is furnished to
38 the proponents. If the measure does not qualify within that period,
39 the fee shall be immediately paid into the General Fund of the
40 state.

(d) All referenda and proposed initiative measures must be submitted to the Attorney General's Initiative Coordinator located in the Sacramento Attorney General's Office via U.S. Postal Service, alternative mail service, or personal delivery. Only printed documents will be accepted, facsimile or e-mail delivery will not be accepted.

(e) The Attorney General's office shall not deem a request for a circulating title and summary submitted until all of the requirements of this section are met.

SEC. 7. Section 9002 of the Elections Code is repealed.

SEC. 8. Section 9002 is added to the Elections Code, to read:

~~9002. (a) The proponents of a proposed initiative measure may submit an amendment to the proposed measure within 15 days of the Attorney General's original receipt of the proposed measure.~~

9002. (a) The Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the final version of a proposed initiative measure, or, if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. If during the 15-day period the proponents of the proposed initiative measure submit amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the amendments.

(b) The amendment must be submitted with a signed request by all the proponents to prepare a circulating title and summary using the amended language.

(c) The amendment must be submitted to the Attorney General's Initiative Coordinator located in the Sacramento Attorney General's Office via U.S. Postal Service, alternative mail service or personal delivery. Only printed documents will be accepted, facsimile or e-mail delivery will not be accepted.

SEC. 9. Section 9003 of the Elections Code is amended to read:

9003. In the event that the Attorney General is a proponent of a proposed measure, the circulating title and summary of the chief purpose and points of the proposed measure, including an estimate or opinion on the financial impact of the measure, shall be prepared

1 by the Legislative Counsel, and the other duties of the Attorney
2 General specified in this chapter with respect to the circulating
3 title and ballot title and summary and an estimate of the financial
4 effect of the measure shall be performed by the Legislative
5 Counsel.

6 SEC. 10. Section 9004 of the Elections Code is amended to
7 read:

8 9004. (a) Upon receipt of ~~a draft~~ *the text* of a proposed
9 initiative measure, the Attorney General shall prepare a circulating
10 title and summary of the chief purposes and points of the proposed
11 measure. The circulating title and summary shall not exceed a total
12 of 100 words. The Attorney General shall also provide a unique
13 numeric identifier for each proposed initiative measure. The
14 circulating title and summary shall be prepared in the manner
15 provided for the preparation of ballot titles and summaries in
16 Article 5 (commencing with Section 9050), the provisions of
17 which, in regard to the preparation, filing, and settlement of ballot
18 titles and summaries, are hereby made applicable to the circulating
19 title and summary.

20 (b) The Attorney General shall provide a copy of the circulating
21 title and summary and its unique numeric identifier to the
22 proponents and to the Secretary of State within 15 days after receipt
23 of the fiscal estimate or opinion prepared by the Department of
24 Finance and the Joint Legislative Budget Committee pursuant to
25 Section 9005. The date the copy is delivered or mailed to the
26 proponents is the “official summary date.”

27 (c) Upon receipt of the circulating title and summary from the
28 Attorney General, the Secretary of State shall, within one business
29 day, notify the proponents and county elections official of each
30 county of the official summary date and provide a copy of the
31 circulating title and summary to each county elections official.
32 This notification shall also include a complete schedule showing
33 the maximum filing deadline, and the certification deadline by the
34 counties to the Secretary of State.

35 SEC. 11. Section 9005 of the Elections Code is amended to
36 read:

37 9005. (a) The Attorney General, in preparing a circulating title
38 and summary for a proposed initiative measure, shall include in
39 the circulating title and summary either the estimate of the amount
40 of any increase or decrease in revenues or costs to the state or local

1 government, or an opinion as to whether or not a substantial net
2 change in state or local finances would result if the proposed
3 initiative is adopted.

4 (b) The ~~estimates~~ *estimate* as required by this section shall be
5 made jointly by the Department of Finance and the Joint Legislative
6 Budget Committee, who shall deliver the ~~estimates~~ *estimate* to the
7 Attorney General so that he or she may include the ~~estimates~~
8 *estimate* in the circulating title and summary prepared by him or
9 her.

10 (c) The estimate shall be delivered to the Attorney General
11 within 25 working days from the date of receipt of the final version
12 of the proposed initiative measure from the Attorney General,
13 unless in the opinion of both the Department of Finance and the
14 Joint Legislative Budget Committee a reasonable estimate of the
15 net impact of the proposed initiative measure cannot be prepared
16 within the 25-day period. In the latter case, the Department of
17 Finance and the Joint Legislative Budget Committee shall, within
18 the 25-day period, give the Attorney General their opinion as to
19 whether or not a substantial net change in state or local finances
20 would result if the proposed initiative measure is adopted.

21 (d) Any statement of fiscal impact prepared by the Legislative
22 Analyst pursuant to subdivision (b) of Section 12172 of the
23 Government Code may be used by the Department of Finance and
24 the Joint Legislative Budget Committee in the preparation of the
25 fiscal estimate or the opinion.

26 SEC. 12. Section 9006 of the Elections Code is repealed.

27 SEC. 13. Section 9006 is added to the Elections Code, to read:

28 9006. (a) Upon receipt of ~~a draft~~ *the text* of a proposed
29 referendum, the Attorney General shall prepare a circulating title
30 and summary of the chief purpose and points of the proposed
31 statute at issue. The circulating title and summary shall not exceed
32 a total of 100 words. No fiscal analysis shall be included.

33 (b) The Attorney General shall provide a copy of the circulating
34 title and summary of the proposed referendum to the proponents
35 and to the Secretary of State within 10 days after receipt of the
36 proposed referendum.

37 (c) Upon receipt of the circulating title and summary from the
38 Attorney General, the Secretary of State shall, within one business
39 day, notify the proponents and county elections official of each
40 county of the official summary date and provide a copy of the

1 circulating title and summary to each county elections official.
2 This notification shall also include a complete schedule showing
3 the maximum filing deadline, and the certification deadline by the
4 counties to the Secretary of State.

5 SEC. 14. Section 9007 of the Elections Code is amended to
6 read:

7 9007. Immediately upon the preparation of the circulating title
8 and summary of a proposed initiative or referendum measure, the
9 Attorney General shall forthwith transmit copies of the text of the
10 measure and the circulating title and summary to the Senate and
11 the Assembly. The appropriate committees of each house may
12 hold public hearings on the subject of the measure. However,
13 nothing in this section shall be construed as authority for the
14 Legislature to alter the measure or prevent it from appearing on
15 the ballot.

16 SEC. 15. Section 9008 of the Elections Code is amended to
17 read:

18 9008. Every proposed initiative measure, prior to circulation,
19 shall have placed across the top of the petition in 12-point or larger
20 roman boldface type, all of the following:

21 (a) The Attorney General's unique numeric identifier placed
22 before the circulating title and summary upon each page where
23 the circulating title and summary is to appear.

24 (b) The circulating title and summary prepared by the Attorney
25 General upon each page of the petition on which signatures are to
26 appear.

27 (c) The circulating title and summary prepared by the Attorney
28 General upon each section of the petition preceding the text of the
29 measure.

30 (d) The circulating title and summary prepared by the Attorney
31 General as required by subdivision (c) shall be preceded by the
32 following statement: "Initiative measure to be submitted directly
33 to the voters."

34 SEC. 16. Section 9009 of the Elections Code is repealed.

35 SEC. 17. Section 9009 is added to the Elections Code, to read:

36 9009. The heading of an initiative petition shall be in
37 substantially the following form:

38 Initiative Measure to Be Submitted Directly to the Voters

1 The Attorney General of California has prepared the following
2 circulating title and summary of the chief purpose and points of
3 the proposed measure:

4 (Here set forth the unique numeric identifier provided by the
5 Attorney General and circulating title and summary prepared by
6 the Attorney General. Both the Attorney General's unique numeric
7 identifier and the circulating title and summary must also be printed
8 across the top of each page of the petition whereon signatures are
9 to appear.)

10 To the Honorable Secretary of State of California

11 We, the undersigned, registered, qualified voters of California,
12 residents of ____ County (or City and County), hereby propose
13 amendments to the Constitution of California (the ____ Code,
14 relating to ____) and petition the Secretary of State to submit the
15 same to the voters of California for their adoption or rejection at
16 the next succeeding general election or at any special statewide
17 election held prior to that general election or as otherwise provided
18 by law. The proposed constitutional (or statutory) amendments
19 (full title and text of the measure) read as follows:

20 SEC. 18. Section 9012 of the Elections Code is repealed.

21 SEC. 19. Section 9012 is added to the Elections Code, to read:

22 9012. Any *petition for a* proposed initiative measure or
23 referendum ~~petition~~ may be presented in sections, but each section
24 shall contain a full and correct copy of the circulating title and
25 summary and text of the proposed measure. The text of the
26 proposed measure shall be printed in type not smaller than 8 point.

27 SEC. 20. Section 9013 of the Elections Code is repealed.

28 SEC. 21. Section 9013 is added to the Elections Code, to read:

29 9013. A space at least one inch wide shall be left blank across
30 the top of each page of every initiative and referendum petition
31 and after the name of each voter who has signed the petition for
32 the use of the county elections official in verifying the petition.

33 SEC. 22. Section 9014 of the Elections Code is repealed.

34 SEC. 23. Section 9014 is added to the Elections Code, to read:

35 9014. A petition for a proposed initiative measure or
36 referendum shall not be circulated for signatures prior to the official
37 summary date. A petition with signatures on a proposed initiative
38 measure shall be filed with the county elections official not later
39 than 150 days from the official summary date, and no county
40 elections official shall accept a petition on the proposed initiative

1 measure after that period. A petition for a proposed referendum
2 measure shall be filed with the county elections officials not later
3 than 90 days from the date the legislative bill was chaptered by
4 the Secretary of State, and a county elections official shall not
5 accept a petition for the proposed referendum after that period.

6 SEC. 24. Section 9015 of the Elections Code is repealed.

7 SEC. 25. Section 9015 is added to the Elections Code, to read:

8 9015. Officers required by law to receive or file in their offices
9 any initiative or referendum petition shall not receive or file any
10 initiative or referendum petition not in conformity with this article.

11 SEC. 26. Section 9016 is added to the Elections Code, to read:

12 9016. Notwithstanding any other provision of law, no initiative
13 measure shall be placed on a statewide special election ballot that
14 qualifies less than 131 days before the date of the election.

15 SEC. 27. Section 9017 is added to the Elections Code, to read:

16 9017. If, for any reason, any initiative or referendum measure
17 proposed by petition as provided by this article is not submitted
18 to the voters at the next succeeding statewide election, that failure
19 shall not prevent its submission at a succeeding statewide election.

20 SEC. 28. Section 9018 is added to the Elections Code, to read:

21 9018. The Secretary of State shall prepare and provide to any
22 person, upon request, a pamphlet describing the procedures and
23 requirements for preparing and circulating a statewide initiative
24 measure and for filing sections of the petition, and describing the
25 procedure used in determining and verifying the number of
26 qualified voters who have signed the petition.

27 SEC. 29. Section 9034 of the Elections Code is amended to
28 read:

29 9034. Upon the certification of an initiative measure for the
30 ballot, the Secretary of State shall transmit copies of the initiative
31 measure, together with the circulating title and summary as
32 prepared by the Attorney General pursuant to Section 9004, to the
33 Senate and the Assembly. Each house shall assign the initiative
34 measure to its appropriate committees. The appropriate committees
35 shall hold joint public hearings on the subject of such measure
36 prior to the date of the election at which the measure is to be voted
37 upon. However, no hearing may be held within 30 days prior to
38 the date of the election.

1 Nothing in this section shall be construed as authority for the
2 Legislature to alter the initiative measure or prevent it from
3 appearing on the ballot.

4 SEC. 30. Section 9035 of the Elections Code is amended to
5 read:

6 9035. An initiative measure may be proposed by presenting to
7 the Secretary of State a petition that sets forth the text of the
8 proposed statute or amendment to the Constitution and is certified
9 to have been signed by registered voters equal in number to 5
10 percent in the case of a statute, and 8 percent in the case of an
11 amendment to the Constitution, of the voters for all candidates for
12 Governor at the last gubernatorial election preceding the issuance
13 of the circulating title and summary for the initiative measure by
14 the Attorney General.

15 SEC. 31. Section 9050 of the Elections Code is amended to
16 read:

17 9050. After the Secretary of State determines that a measure
18 will appear on the ballot at the next statewide election, the
19 Secretary of State shall promptly transmit a copy of the measure
20 to the Attorney General. The Attorney General shall provide and
21 return to the Secretary of State a ballot title and summary and
22 ballot label for each measure submitted to the voters of the whole
23 state by a date sufficient to meet the ballot pamphlet public display
24 deadlines.

25 SEC. 32. Section 9051 of the Elections Code is repealed.

26 SEC. 33. Section 9051 is added to the Elections Code, to read:

27 9051. (a) (1) The ballot title and summary may differ from
28 the legislative, circulating, or other title and summary of the
29 measure and shall not exceed 100 words, not including the fiscal
30 impact.

31 (2) The ballot title and summary shall be amended to include a
32 summary of the Legislative Analyst's estimate of the net state and
33 local government fiscal impact prepared pursuant to Section 9087,
34 and Section 88003 of the Government Code.

35 (b) The ballot label shall contain no more than 75 words and
36 shall be a condensed version of the ballot title and summary
37 including the financial impact summary prepared pursuant to
38 Section 9087 of this code and Section 88003 of the Government
39 Code.

1 (c) In providing the ballot title and summary, the Attorney
2 General shall give a true and impartial statement of the purpose
3 of the measure in such language that the ballot title and summary
4 shall neither be an argument, nor be likely to create prejudice, for
5 or against the proposed measure.

6 SEC. 34. Section 9052 of the Elections Code is repealed.

7 SEC. 35. Section 9053 of the Elections Code is amended to
8 read:

9 9053. Each measure shall be designated on the ballot by the
10 ballot label certified to the Secretary of State by the Attorney
11 General.

12 SEC. 36. Section 9054 of the Elections Code is amended to
13 read:

14 9054. (a) Whenever a city, county, or city and county is
15 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
16 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
17 Act of 1965 to provide a translation of ballot materials in a
18 language other than English, the Secretary of State shall provide
19 a translation of the ballot title and summary prepared pursuant to
20 ~~Section 9004~~ *Sections 9050 and 9051* and of the ballot label
21 prepared pursuant to Section 13247 in that language to the city,
22 county, or city and county for each state measure submitted to the
23 voters in a statewide election not later than 68 days prior to that
24 election.

25 (b) When preparing a translation in a language other than
26 English pursuant to subdivision (a), the Secretary of State shall
27 consult with an advisory body consisting of language experts and
28 nonpartisan organizations that advocate on behalf of, or provide
29 services to, individuals that speak that language.

30 (c) All translations prepared pursuant to this section shall be
31 made available for public examination in the same time and manner
32 as the ballot pamphlet is made available for public examination in
33 accordance with Section 88006 of the Government Code and
34 Section 9092 of this code.

35 (d) The local elections official shall use that translation of the
36 ballot label on the sample ballot and the official ballot and may
37 not select or contract with another person to provide translations
38 of the same text.

39 SEC. 37. Section 9063 of the Elections Code is amended to
40 read:

1 9063. The summary of a measure given in the press release
2 shall be the official circulating title and summary that has been
3 prepared by the Attorney General. The Legislative Counsel Bureau
4 shall prepare the summary on all other measures.

5 SEC. 38. Section 13247 of the Elections Code is amended to
6 read:

7 13247. The statement of all measures submitted to the voters
8 shall be abbreviated on the ballot in a ballot label as provided for
9 in Section 9051. The ballot label shall be followed by the words,
10 “Yes” and “No.”

11 SEC. 39. Section 13280 of the Elections Code is repealed.

12 SEC. 40. Section 13281 of the Elections Code is repealed.

13 SEC. 41. Section 13282 of the Elections Code is amended to
14 read:

15 13282. Whenever the Attorney General prepares a ballot label,
16 the Attorney General shall file a copy of the ballot label with the
17 Secretary of State. The Secretary of State shall make a copy of the
18 ballot label available for public examination prior to the printing
19 of the ballot label on any ballot. The public shall be permitted to
20 examine the ballot label for at least 20 days, and the Secretary of
21 State may consolidate the examination requirement under this
22 section with the public examination requirements set forth in
23 Section 9092. A voter may seek a writ of mandate requiring a
24 ballot label, or portion thereof, to be amended or deleted. The
25 provisions set forth in Section 9092 concerning the issuance of the
26 writ and the nature of the proceedings shall be applicable to this
27 section.